

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Department – Adilabad district – Payment of decretal amount of Rs. 88,143/- in EP.No.39/2009 of OS.No.60/2000 and AS.No.14/2005, as per the orders of Senior Civil Judge, Nirmal – Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (ROADS.III) DEPARTMENT

G.O.Rt.No. 827

Dated: 30th August, 2010.

Read:-

From the Engineer-in-Chief (R&B) Roads, Hyd., Lr.No. 9216/EE(T)/DEEX/AEE(A)/2010, dt. 11-2-2010.

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ORDER:-

In the reference read above, the Engineer-in-Chief (R&B) Roads, Hyd., has stated that the EE(R&B) Nirmal had entrusted the following two works to Sri Akber Ali, Contractor during the year 1994-1995 under Maintenance Grant on tender merits.

Sl.No.	Name of the work	Contract value(Rs.)	TP	Nature of contract
01.	Providing BTSD to hard shoulders from Km.17/0 to 17/8 and Km.18/0 to 19/4 of Gudihatnoor – Utnoor road.	85,900/-	(11.55% less)	K2 Contract
02.	Providing BTSD to hard shoulders from Km. 19/4 to 20/8 of Gudhatnoor – Utnoor road.	85,950/-	(11.65% less)	K2 contract

2) He has also stated that EE (R&B) Nirmal entered into agreement for the above works under K2 contract duly fixing the date for completion of work for one month. The contractor did not complete the work as per agreement and the works were closed and necessary payment were also made to the Contractor to the extent of work done.

3) The Engineer-in-Chief (R&B) Roads, Hyd., further stated that the Contractor Sri Mohd. Akbar Ali filed a suit OS.No.60/2000 before the Court of Jt. Civil Judge at Nirmal for recovery of Rs. 50,000/-. The Court decreed the suit directing the department to pay sum of Rs. 12,012/- with an interest of 18% per annum from the date of suit till the realization of the decreed amount and court fee as per decree and judgment, dt. 21-12-2004. Aggrieved by the Judgment and decree, the Contractor preferred an appeal in AS.No.14/2005 in the Court of Sr. Civil Judge, Nirmal. The appellate court allowed the appeal setting aside the judgment and decree passed in O.S.No.60/2000 on 30-10-2007 and held that the contractor was entitled to claim in addition to the amount of decree an amount of Rs. 37,988/- with subsequent interest thereon @ 12% per annum from the date of lower court judgment till the date of realizing vide decree and judgment, dt. 30-10-2007 and calculated the decreed amount as Rs. 88,143/-. The E.E. (R&B) Nirmal has requested the Asst. Govt. Pleader, Nirmal to file second appeal in the district court. The Asst. Govt. Pleader has intimated to file second appeal in the High Court, Hyderabad. Accordingly, the Govt. Pleader for Arbitration in his letter, dt. 29-12-2009 has stated as it is not a fit case to file second appeal in the Hon'ble High Court.

- 4) In view of the above, the Engineer-in-Chief (R&B) Roads, Hyd., has requested to sanction of Rs.88,143/- and release LOC towards decretal amount including interest and court fee for arranging payment to the petitioner under contingent grant as an advance.
- 5) Government after careful examination of the matter hereby accord sanction for payment of decretal amount of Rs. 88,143/- (Rupees eighty eight thousand one hundred and forty three only) for depositing before Sr. Civil Judge, Nirmal as per the orders of Senior Civil Judge, Nirmal in EP.No.39/1999 of OS.No. 60/2000 & AS.No. 14/2005.
- 6) The amount sanctioned in para (5) above shall be debited to the Head of Account ““5054 - COL on Roads & Bridges; 04 – Dist. & Other Roads; MH-800-Other expenditure; GH-11-Normal State Plan ; SH(07)- Major District Roads; 530 – Major Works; 531 – Other Expenditure (charged.)” and shall initially be met by an advance from the Contingency Fund and order regarding which will be issued by Finance (BG) Department separately.
- 7) The Engineer-in-Chief (R&B) State Roads, Hyderabad is requested to take necessary further action accordingly in the matter.
- 8) The Engineer-in-Chief (R&B) State Roads, Hyderabad shall also send necessary proposals to Finance (BG.I) Department during the current financial year 2010-2011 at the appropriate time for obtaining Supplementary Grant to recoup the advance sanctioned from contingency fund.
- 9) This order issues with the concurrence of Finance (Expr.PW) Department vide their U.O.No. 21536/593/A2/Expr.PWD/10, dated 17-08-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. LAKSHMIPARTHASARATHY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (R&B) State Roads, Hyderabad
Copy to The Executive Engineer (R&B) Division, Nirmal, Adilabad dist.
The Finance (Expr.PW) Deptt./Finance (BG) Deptt.,
The Accountant General, A.P. Hyderabad
The Director of Treasuries & Accounts, Hyderabad.
The Director of Works Accounts, Hyderabad.
The Pay and Accounts Officer, Hyderabad
The Pay and Accounts Officer, Adilabad
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER